IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

Arvind Solanki and ors.

Vs.

State and anr.

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S.B. CRIMINAL REVISION PETITION NO.518/2005

u/S. 397 Cr.P.C.

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Date of Order:- **17/8/2006.**

P R E S E N T

HON'BLE MR.JUSTICE HARBANS LAL

Mr. S.N. Kumawat for the petitioners.
Mr. Arun Sharma P.P. for the State.
Mr. G.S. Rathore for respondent No.2.

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BY THE COURT:-

This revision petition under Section 397 Cr.P.C. seeks quashing of the charges framed on 21/4/2005 against the petitioners in FIR No.303/2004 PS Jhotwara, Jaipur for offences under Sections 498-A and 304-B I.P.C.

2) The relevant facts are that petitioner Arvind Solanki was married to Smt.Mahisha, daughter of non-petitioner No.2 at Jodhpur on 19/5/2002. On 12/7/2004 she committed suicide on the by hanging in her room. Petitioner No.2 father-in-law of the deceased immediately informed the police about the aforesaid

incident and also informed non-petitioner No.2 telephonically about the death of Mahisha. On 19/7/2004 non-petitioner No.2 lodged a complaint at P.S. Jhotwara whereupon the aforesaid FIR came to be registered. It was alleged in the FIR that the petitioners had been harassing the deceased and demanding Rs.2 lacs as dowry from her mother and were threatening her to kill her if their demand was not met. It was further alleged that they jointly forced deceased Mahisha to commit suicide. After investigation, charge-sheet was filed on 16/10/2004. The case was committed for trial and the learned trial Judge on the basis of the materials on record and after hearing learned counsel for the parties framed charges against the petitioners on 21/4/2005 for offences under Sections 498-A and 304-B I.P.C. which order is under challenge in this revision.

3) I have heard learned counsel for the petitioners, learned counsel for non-petitioner No.2 as well as learned Public Prosecutor for the State and have perused the record.

4) It may be stated at the outset that as held by the Hon'ble Apex Court in **Smt.Om Wati and another Vs. State : AIR 2001 SC 1507** that at the stage of passing the order in terms of Section 227 of the Code, the Court has merely to peruse the evidence in order to find out whether or not there is a sufficient ground for proceeding against the accused. If upon

consideration, the Court is satisfied that a prima-facie case is made out against the accused, the Judge must proceed to frame charge in terms of S.228 of the Code. Only in a case where it is shown that the evidence which the prosecution proposes to adduce to prove the guilt of the accused, even if fully accepted before it is challenged in cross-examination or rebutted by defence evidence cannot show that the accused committed the crime, then and then alone the Court can discharge the accused. The Court is not required to enter into meticulous consideration of evidence and material placed before it at this stage.

5) In **Stree Atyachar Virodhi Parishad Vs. Dilip Nahumal Chordia and anr. : (1989) 1 SCC 715**, it has been held by the Hon'ble Apex Court that the High Court should not interfere at the stage of framing of charge against the accused. Self-restraint on the part of the High Court should be the rule unless there is a glaring injustice which stares the court in the face. The opinion any matter may differ depending upon the person who views it. There may be as many opinions on a particular matter as there are courts but it is no ground for the High Court to interdict the trial. It would be better for the High Court to allow the trial to proceed.

6) There are ample materials on record in support of the charges framed against the accused-petitioners and simply because some of the witnesses have pleaded

ignorance about the strained relationship of the spouse it cannot be inferred at this stage in the face of the direct statements of the other witnesses that the charges for offences under Sections 498-A and 304-B I.P.C. are groundless.

7) Thus, keeping in view the materials on record as well as the settled law in this behalf, no case for interference in the order framing charges is made out.

Consequently, this revision petition under Section 397 Cr.P.C. is hereby dismissed.

(HARBANS LAL), J.

anil/-